4

FOR MYSORE STATE

Dept (1952) Department.

Ms. SERIES.

G.O. NO. 3343

Dated 4 8 52

Passed
&
Supdt
hm

[Despatch Abstract.]

K Establishment - Prohibition - K. Allah Bakh

Prohibition: Grant of Bellary District
Exception as attender in the
judicial department - Relaxation
of the relevant Service Rule
orders.

BOARD OF REVENUE(EXCISE) DEPARTMENT

*****

Sub: Establishment - Allah Baksh (K) - Prohibition Guard - Bellary District - Absorption as attender in the Judicial Department - Proposal - Submitted.

Read: G.O.Ms.No. 3677, Development, dated 26.9.1950. 21666/54

...

FIRST ASST. SECRETARY TO GOVERNMENT
28 FEB 1952
DEVELOPMENT DEPARTMENT

C.R.No. 30429 Abk/51-X.B.1.
Station: Triplicane, Madras-5: Dated: 25.2.1952.

From

Sri V.Krishnamurti, B.A.,
Assistant Secretary, Board of Revenue(Excise)

*****

Sri V.N.Kudva, I.C.S.,
Member, Board of Revenue and Commissioner of Commercial Taxes.

****

REFERENCE:-

1. The Board invites the attention of the Government to their Order cited in which they approved the proposal of the Board to absorb K.Allah Baksh, formerly Excise clerk of the Sandur State as Prohibition Guard in the Bellary District. After his appointment as Prohibition Guard, he has represented that he is not able to perform the duties of a Prohibition Guard owing to ill-health. He requested that he may be absorbed as a shroff or an attender in the Revenue Department.

2.- The Deputy Commissioner, Northern Division, has reported that the petitioner's grievance is true and that he is not useful as a Prohibition Guard. The Collector of Bellary reports, that there are no posts of attenders in the Revenue Department in Bellary district in which the petitioner can be absorbed in the Revenue Department. He therefore recommends the transfer of Allah Baksh as an attender in the Judicial Department. As the individual K.Allah Baksh, is reported to be unsuitable for the post of Prohibition Guard, the Board agrees with the collector and recommends that the question of his transfer to the Judicial Department, as Attender in the Bellary District, may be considered.

26/2

ASSISTANT SECRETARY.

To

The Secretary to Government,
Development Department.

...

AC.25.2.

26/2/52

Home (Courts) 33

42/57

Memo No 42584-Courts/52-1 dt. 14/12/52

Establishment - Allah Bakash - Prohibition Guard - Bellary District - Absorption as attender in the Judicial Department -

—

Ref: From the Bd of Rev. CR. No 30429 Apk/51 x B-1 dated 23/2/52

—

A copy of the letter (cited) from the Bd of Rev. Madras is ~~communicated~~ referred to the Regr. High Court, Madras for ~~He is requested to offer his~~ remarks ~~in reference to the attender~~ prohibition Guard ~~in the Bellary District being~~

RS 14352

14/3/N

in addressentry overleaf

transferred to the Judicial Department as ~~Attender~~ attender in the ~~Judi~~ Bellary District if there is any vacancy in that District

To
The Registrar,
High Court.
with copy of Bds' letter
dtd 1.9.73.

R.O.C.No.805/52-C1.

From

Sri S.Srinivasa Ayyar, B.A.,B.L.,
Registrar, High Court, Madras.

To

The Additional Deputy Secretary to Government,
Home Department, Fort St. George,
Madras (with enclosure)

Dated 25th April 1952.

Sir,

Sub: Establishment - Allah Baksh - Prohibition Guard - Bellary District - Absorption as attender in the Judicial Department.

With reference to Home Department's Memorandum No.42584 Courts I/52-1 dated 14.3.1952, I am to enclose a copy of the letters of the District Judge, Bellary and the District Magistrate, Gooty on the subject cited and to state that in the circumstances stated therein, Allah Baksh cannot be absorbed in the Judicial Department in Bellary District as an attender.

SV.

REGISTRAR.

Copy of letter No.242/52-A dated 31st March 1952 from the District Judge, Bellary to the Registrar, High Court, Madras.

Sub: ESTABLISHMENT - Allah Baksh K. Prohibition Guard Bellary District - Absorption as attender in the Judicial Department - Reported.

Ref: High Court's R.O.C.No.805/52-C1 dated 19th March 1952.

There is only one post of attender, namely in the District Court. The permanent attender of this Court has put in about 18 years of service and he is aged about 36 years.

So it is not possible to absorb Allah Baksh, Prohibition guard as attender in the Civil side of Judicial Department of this District.

****

Copy of letter Dis.2509/52-E dated 17.4.1952 from the District Magistrate, Gooty to the Registrar, High Court, Madras.

Sub: Establishment-Allah Baksh (K) Prohibition guard - Bellary District - absorption as attender in the Judicial Department.

Ref: High Court's R.O.C.No.805/52-C1 dated 19.3.1952.

Janab K. Allah Baksh, Prohibition guard, Bellary District, can only be appointed temporarily as attender of the Stationary Sub Magistrate's Court, Sandur and that it is not possible to absorb him permanently in the Judicial Department in this unit as the number of approved probationers in the category of attenders exceeds the number of posts available.

(True Copy)

26/4/52

Sub Asst. Registrar, Adm. Department.

SV.

ASSISTANT SECRETARY TO GOVERNMENT
2158
2 - JUN 1952
To
CHIEF SECT.

9

53 622.1

The Chief Secretary to Government of Madras,

Fort St. George,

MADRAS.

FIRST ASST. SECRETARY TO GOVT.
5 JUN 1952
DEVELOPMENT DEPARTMENT

Through

The Collector,

BELLAR

Respected Sir,

SUB: PUBLIC SERVICES - Establishment - K. Allabaksha - Ex- Excise and Customs clerk - Sandur state - Obsorption - Orders on representation - Requested.

REF: My petition dated 19-4-1952 addressed to the Chief Secretary, Madras.

0*0*0*0*0

I invite your kind attention to my several representations and reminders thereon submitted for your consideration and orders to transfer me to the Revenue Department. My health has failed and I can no longer continue in the Prohibition Department. Due to failure of my health I have been on leave ~~of~~ on loss of pay for the last 3 months. I have run into debts for my medical treatment and also for the maintenance of my family. I therefore humbly request you to pass early orders transferring me to the Revenue Department.

Thanking you,

~~Yours faithfully~~,
I beg to remain
Sir,
your most obedient servant
Allabaksh.
P.G.No 53.

Advance copy submitted to the Chief Secretary to the Government of Madras, Fort St. George, Madras.

Dated 31st May 1952.

Public (Poll-A) dept development u.o who are having a file on the subject. that department may let Pub (Poll-A) see the papers before the issue of orders.

(Poll-A) dept
No 58/52-1
4.6.52

3/6/52 3.6.52 4.6.52

Sub:- Establishment - Prohibition - K. Allah Baksh, Prohibition Guard of Bellary district - Absorption as attender in the Judicial Department - Relaxation of the relevant Service Rule - Ordered.

Read again:- G.O. Ms. No. 3677, Dev. dated 26-9-1950.

Read also:- From the Board of Revenue (Excise) C.R.No. 30429 Abk/51 X.B.1. dated 25-2-1952.

....

G.O. Ms. No. 3343 dated 4-8-52

In its reference cited, the Board of Rev. (Excise) has recommended the transfer of K. Allah Baksh, Prohibition Guard of the Bellary district to the Judicial Dept. as attender at the instance of the candidate's request on health grounds. The Dt. Magistrate, Gooty, who was consulted in the matter said that the Prohibition Guard could be appointed as an attender of the Stationary Sub Magistrate's Court, Sandur on a temporary basis only and it was not possible ~~to possible~~ to absorb him permanently in the Judicial Dept. As Allah Baksh has a permanent lien in the Prohibition Dept. as Prohibition Guard, it is proposed to allow him to work temporarily as attender in the office of the Stationary Sub Magistrate, Sandur, with his lien still in the Prohibition Dept.

2. Under the rules published with the Public (Services) Dept., Notification No.16, dated the 26th January 1950 at page 272 of Part I of the Fort St. George Gazette, dated the 7th February 1950, the Governor of Madras hereby relaxes Rule 4 of the Special Rules for Class XXVI of the Madras General Subordinate Service in favour of ~~Janab~~ Allah Baksh to enable him to be appointed as an attender in the Judicial Department. The Board of Revenue (Excise) is requested to take necessary steps for the transfer

of the Prohibition guard in consultation with the District Magistrate, Gooty.

3. As ~~Janab~~ Allah Baksh was a permanent State employee and was in the scale of Rs.20-2-40 prior to merger and as the Govt. of India have clearly laid down that absorption of the State personnel should not be on less advantageous terms, it is decided to allow him to draw the pre-merger scale viz., (Rs.20-2-40) of pay which is more advantageous to him.

To the B. of Rev.(Ex)
" The Dt. Magistrate, Gooty, thro' Home Dept
" Copy to the Madras Public Service Commission.
" The A.G. thro' Fin.
" Public (Ser).
" Home.
" Finance.

2 S.cs.

(21666 S/52 -1

500/+51/52

Note "A"

Development (S) Department

Subject: Establishment - Prohibition - Allah-Baksh - Prohibition Guard - Bellary District - Absorption as attender in the judicial department

Ref: From the Board Revenue, CR.No. 30429 Abk/51-XB1 dated ~~26-9-1950~~ 25-2-52

Please see the letter from the Board of Revenue, in the C.F.

Prior to the merger of the Sandur State, Janab Allah Buksh was an Excise Clerk in that State. Consequent on the merger, he was absorbed in the Madras Government service as a Prohibition Guard in the Bellary district. After his appointment as Prohibition Guard, he has represented that he is not able to perform the duties of a Prohibition Guard owing to illhealth and that he may be absorbed as a shroff or an attender in the Revenue Department. The Deputy Commissioner, Northern Division, has reported that the petitioner's grievance is true and that he is not useful as a Prohibition Guard. The Collector of Bellary could not take him in the Revenue Department as there were no vacancies; ~~and~~ he has, however, recommended that the Prohn. Guard may be transferred to Judicial department as attender. The Board agrees with the Collector and recommends that the question of his transfer to the Judicial Department as attender in the Bellary district, may be considered. There is no information whether there is a vacancy of attender in the judicial department, Bellary, for the Prohibition Guard. This is a matter to be taken up and considered by Home. For orders whether the file may be transferred

2/

to Home for necessary action.

9.3.52
24/3/52

6.3.52

Home Dept.

The remarks of the H.C. may be invited in the first instance.

Dev. w.o. No 21665/52-
8.3.52

14/3/52

14/3/52

(Issued on memo No 42584 CS I/52-1 dated 14.3.1952)

From the Regr. High Court Roc No 805/52-C dated 25.4.1952

The Registrar, High Court, has reported that there is no vacancy in the Tanab. Allah Baksh cannot be absorbed in the Judicial Department in the Bellary District in view of the fact that there is no permanent vacancy in that Department in that district. With this information the file may be returned to the Development Dept.

2/5/52 2/5/52

3/5/52 Dev

FIRST ASST. SECRETARY TO GOVERNMENT
6 MAY 1952
DEVELOPMENT DEPARTMENT

42584
6/5/52

Home no 42584 CS I/52-2
5/5/52.

Dev 50078 51/52
6.5.52

D.C.

Dev. & Dept.

To As.

Notes from p 1 above may be perused. Home Dept have stated that Janab Allah Baksh could not be absorbed in the Judicial Dept in the Bellary Dt as there is no permanent vacancy. The Dt. Magistrate, Kooty has, however, stated that Allah Baksh could be appointed temporarily as attender of the S.S.M's Court, Sandur. Govt Ro. No. 3677 Dev dt 26.9.50 Allah Baksh was granted permanent lien in the Prohn. Dept as Prohn. Grd. The question of transferring the petitioner as attender either to Rev or Judiciary Dept arose only because consequent on the representation of the petitioner that he is not able to perform the duties of the Prohn. Guard owing to ill health and the recommendation of the Bd. of the Dt. Magistrate, Kooty, states that the petitioner can be appointed temporarily as attender in the office of the S.S.M. Sandur. There appears to be no objection for a Govt servant to have permanent lien in one Dept and to serve in another Dept on temporary basis. As such Janab Allah Baksh may perhaps be allowed to have his lien permanently in the Prohn. Dept and always be transferred to Judiciary Dept to act as temporary attender. Govt may see for remarks with reference to 'A' above.

12.5.52

13/5/52

13/5/52 Asst (Sec) Dept

Dev. No. No. 500 78 / 21666 / 52-1
13.5.52

(A)

p. 50 c.f.

The notes on pp. 1-3 above may be perused.

2. From page 50 c.f. of G.O.Ms.No. 3677, Development, dated 26-9-1950, it is seen that Janab Allah Baksh does not possess the qualifications prescribed for appointment to the post of attender. Rule 4 of the Special Rules for Class XXVI of the

ASSISTANT SECRETARY TO GOVERNMENT
17 MAY 1952
PUBLIC DEPARTMENT

p. 99, Bk. III.

Madras General Subordinate Service should therefore be relaxed in his favour, to enable him to be appointed as an attender in the Judicial Department. He will continue to be a temporary attender in that department till he is confirmed in his due turn and his right for confirmation as Prohibition Guard in the Excise Department will not in any way be affected. There is no statutory objection to the course suggested at A on page 3 ante. H.C.M. should see. A copy of the relaxation order should be communicated to the Commission.

3. The file may be returned to Development.

22/5/52

22/5/52

2187/26 through Ser-A (Ex. 6 Sv) Pub (Pol) C.No 2697 27.5.52

Public (Political-A) Dept.

This department may also agree with the course suggested at A on p.3 ante. As Janab Allah Baksh was a permanent state employee and was in the scale of Rs.20-2-40 prior to merger and as the Govt. of India have clearly laid down that absorption of the State personnel should not be on less advantageous terms, Development while issuing orders may clearly specify that as an attender he will be allowed to draw the pre-merger scale of pay which is more advantageous to him. (The scale of pay of an attender under this Govt. is only Rs.24-1-32-½(A)-35). Finance may also see on this point:

FIRST ASST. SECRETARY TO GOVERNMENT 5 JUN 1952 DEVELOPMENT DEPARTMENT

30/5/52

30/5/52

1.6.52

2.6.52 S.V.

Dev Pub(Sec)-II-2 2225/52-1 4-6-52

Dev 2221/52 5.6.52

Dy. Sec. Dep

DF 5/8 S1/52

To As.

Notes from p. 3 above may be perused. With reference to the notes of Public (Poll) dept from the middle of p. 4 above the cases may be sent to Fin for remarks.

hms
6.6.52
L 8/6/52

Sd/- Finance

Dy. No. 50075
S1/52-2

pp 49-50 CF of (A)

pg CF

A on p3 above

M on p4 above

R

p4 above

pg CF of (A)

Govt No 3677 Dept
26/9/50

Finance (E.II) Department

Janab Allah Baksh was drawing a pay of Rs. 30 in the scale of Rs. 20-2-40 as a permanent Excise Clerk in the Sandur State. Consequent on the merger, he was absorbed as a Prohibition Guard on Rs. 30-½-40. On medical grounds he has now requested that he may be absorbed as a Shroff or as an Attender in the Revenue Department. Development propose to allow him to work temporarily as an attender in the ~~Judicial Department~~ Sub Magistrate, Sandur, with his lien still in the Prohibition Department. Public (Ser.) have stated that there is no statutory objection to the above course being adopted. As the scale of pay attached to the post of Attender under this Government is Rs. 24-1-32-½ (A)-35 and as the Government of India have clearly laid down that absorption of the State personnel should not be on less advantageous terms, Public (Poll.) have suggested that Janab. Allah Baksh may be allowed to draw the pre-merger scale of pay of Rs. 20-2-40.

2/ It is submitted that it was with reference to the principle referred to at 'R' above that the petitioner was absorbed as a prohibition guard on Rs. 30-½-40, and therefore it would not amount to going against that principle, if he is allowed the same scale viz., Rs. 30-½-40 as Attender in the

b/

Judicial Department instead of Rs. 20-2-40 as proposed by Public (Poll.) In these circumstances, this Dept, while agreeing to the petitioner being appointed as an attender in the Judicial Department, may suggest that as Attender, he may be allowed to continue, as a special case, in the scale of pay attached to the permanent post of Prohibition Guard.

When he is appointed as attender in the office of the S.S.M., Sandur he should be allowed only the scale of pay of the post he holds or the pay-merger scale Rs 30-1-40 (which is the pay-scale of Prohibition guards) whichever of the above categories. For many therefore appointed the pay-merger scale being allowed to them when he holds the post of attender in the office of the S.S.M., Sandur.

Development Dept.

Summarising Note

The file relates to the representation of Janab Allah Baksh, a Prohibition Guard of Bellary district for absorption as a Shroff or an attender in the Rev. Department on health grounds. Allah Baksh was an ex-excise clerk of the Sandur State and consequent on the merger of the State was absorbed in the Madras Govt. service as Prohibition Guard. The Collector, Bellary who was addressed by the Deputy Commissioner, North Division on the petitioner's request informed that he could not take him in the Revenue Department as there were no vacancies but, however, suggested that the Prohibition Guard might be transferred to Judicial Department as an attender. The Board has agreed with the Collector's

suggestion and recommended to Govt. the transfer of the Prohibition Guard to the Judicial Dept. as attende

The District Magistrate, Gooty stated that Allah Baksh could be appointed temporarily as attender, of the Stationary Sub Magistrate's court, Sandur and that it is not possible to absorb him permanently in the judicial Dept. in that unit. Allah Baksh is having permanent lien in the Prohibition Dept. as Prohibition Guard. This Dept. have, therefore, proposed to allow the petitioner to work temporarily as an attender in the office of the Stationary Sub Magistrate, Sandur with his lien still in the Prohibition Department. Public (Ser) have stated that there is no statutory objection to the above course and suggested the relaxation of rule 4 of the Special Rules for Class XXVI of the Madras General Subordinate Service in his favour so as to enable him to be appointed as an attender in the Judicial Department since he does not possess the qualifications prescribed for appointment to the post of attender. They have also suggested the circulation of the case to C.M. and forwarding copy of the relaxation order to the M.P.S.C. As the scale of pay attached to the post of attender under this Govt. is Rs.24-1-32-½(A)-35 and as the Govt. of India have clearly laid down that abosrption of the State personnel should not be on less advantageous terms, Public (Political) have suggested that Allah Baksh might be allowed to draw the pre-merger scale of pay of Rs.20-2-40. Fin. have agreed to allow the pre-merger scale. The file may now be circulated to M.(Pro.) and C.M. for orders:

(1) whether Rule 4 of the Special Rules for Class XXVI of the Madras General Subordinate Service may be relaxed in favour of Janab Allah Baksh to enable him to be appointed as an attender in the Judicial Department. and

(2) whetner he may be allowd to draw as attender in

19/10/7 5 : 8 51/52

in the Judicial Department the pre-merger scale of pay of Rs.20-2-40. 'B'

Home Department may perhaps see before circulation. Vide Their D.O. of 27-6-52

27-6-52
2nd/6/52

1.7.52

Home 118686 3.7.52.

HOME DEPARTMENT. Dev. (51) No. 50078 51/52-2 dt. 2-7-52

The summarising note of the Development dept from XX on page 6 ante may be perused and the case returned to Development.

4.7.52.

4.7.1952

J.S. 5/7/52

Dev.

Dev. (51) Dept.

Thro' Courts I

4/7/52

118686 Ch II/52-1

5/7/52

Dev 75647 51/52

7.6.52.

To AS.

The summarising note from the middle of p6 and the note of Home Dept'x above may be perused. The case may now be circulated to M.(Pro) and C.M for orders on 'A' at p 7 and 'B' above.

A & B may be approved

7.7.52
2nd/7/52

8/7/52

9.7.52

M.(Pro)
12/7

C. M
13.7.52

FIRST ASST. SECRETARY TO GOVERNMENT
7 JUL 1952
DEVELOPMENT DEPARTMENT

DEPUTY SECRETARY TO GOVERNMENT
14 JUL 1952
DEVELOPMENT DEPARTMENT

SECRETARY TO GOVERNMENT
14 JUL 1952
DEVELOPMENT DEPARTMENT

Rev.(S1) Dept

5007/S1/52

To AS

A draft order is put up below for approval with reference to the orders in circulation at the bottom of p 8 above

hms
31.7.52

Please see the draft in the Chamber of Deputy Secretary (Rev) English. If approved

hms
31.7.52

A revised draft is submitted below with reference to the orders of the Asst. Secy in the margin.

2.8.52

2.8.52

pp 11-12 ci.

[Issued as GO.(MS) NO. 3343 Rev. dt 4.8.52]